

Tracy J. Copenhaver (Wyo. Bar # 5-2063)  
COPENHAVER, KATH, KITCHEN & KOLPITCKE, LLC  
P.O. Box 839  
Powell, WY 82435  
Telephone: (307) 754-2276  
Facsimile: (307) 754-4744  
[tracy@ckattorneys.net](mailto:tracy@ckattorneys.net)  
ATTORNEYS FOR PLAINTIFF POWELL VALLEY HEALTH CARE, INC.

Bradley T. Cave, P.C. (Wyo. Bar # 5-2792)  
Joanna R. Vilos (Wyo. Bar # 6-4006)  
HOLLAND & HART LLP  
2515 Warren Avenue, Suite 450  
P.O. Box 1347  
Cheyenne, WY 82003-1347  
Telephone: (307) 778-4200  
Facsimile: (307) 778-8175

Eli J. Richardson (*admitted pro hac vice*)  
BASS, BERRY & SIMS PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
Telephone: (615) 742-7825  
Facsimile: (615) 742-0416  
ATTORNEYS FOR HEALTHTECH  
MANAGEMENT SERVICES, INC.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

POWELL VALLEY HEALTH CARE, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
HEALTHTECH MANAGEMENT SERVICES, INC.,	)	Civil Action No. 12-CV-0042-F
	)	
Defendant/Crossclaimant,	)	
	)	
v.	)	
	)	
PAUL CARDWELL and MICHAEL J. PLAKE,	)	
	)	
Defendants/Cross Defendants.	)	

---

**STIPULATED MOTION TO DISMISS WITH PREJUDICE PLAINTIFF'S CLAIMS  
AGAINST HEALTHTECH MANAGEMENT SERVICES, INC.**

---

Plaintiff Powell Valley Health Care, Inc. (PVHC), and Defendant/Crossclaimant HealthTech Management Services, Inc. (HealthTech), through undersigned counsel, pursuant to Fed. R. Civ. P. 41, respectfully move this Court for an order dismissing with prejudice PVHC's claims against HealthTech. All of PVHC's claims against Defendants/Cross Defendants Paul Cardwell and Michael J. Plake survive this dismissal and are not affected by the dismissal of claims against HealthTech. In support of this Motion, the parties state as follows:

1. HealthTech initially filed a Complaint against Defendant Cardwell on February 23, 2012. (Doc. 1.)
2. Defendant Cardwell answered that Complaint on April 10, 2012. (Doc. 19.)
3. PVHC filed a Rule 24(b) motion to intervene on April 13, 2012, with a proposal to assert cross claims. (Doc. 22.) PVHC's motion was granted on April 30, 2012. (Doc. 26.)
4. PVHC filed its Cross Claim against HealthTech and Defendants Cardwell and Plake on April 30, 2012. (Doc. 27.) HealthTech filed its answer to PVHC's crossclaim and asserted cross claims against Defendants Cardwell and Plake on May 24, 2012. (Doc. 31.) Cardwell answered the cross claims of PVHC on May 7, 2012 and answered the cross claims of HealthTech on June 1, 2012. (Docs. 29 and 33, respectively.) Plake filed a general denial to PVHC's and HealthTech's cross claims on May 29, 2012. (Doc. 32.)

5. On June 6, 2012, the Court entered its Order Granting Stipulated Motion for Realignment of Parties (Doc. 35) realigning the parties as reflected in the above caption.

6. PVHC and HealthTech have settled and fully resolved PVHC's Cross Claims against HealthTech, and PVHC desires to dismiss those claims only insofar as asserted against HealthTech. PVHC's and HealthTech's claims against Defendants Cardwell and Plake will proceed.

7. PVHC and HealthTech do not request any order regarding attorneys' fees and court costs as part of this requested dismissal with prejudice.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

WHEREFORE, PVHC and HealthTech move the Court for an Order dismissing PVHC's claims against HealthTech, with prejudice, while preserving PVHC's and HealthTech's claims against Defendants Cardwell and Plake. A proposed order is filed with this motion.

DATED: February 14, 2013.

/s/ Bradley T. Cave

Bradley T. Cave P.C. (Wyo. Bar # 5-2792)  
Joanna R. Vilos (Wyo. Bar # 6-4006)  
2515 Warren Avenue, Suite 450  
P.O. Box 1347  
Cheyenne, WY 82003-1347  
Telephone: (307) 778-4200  
Facsimile: (307) 778-8175  
[bcave@hollandhart.com](mailto:bcave@hollandhart.com)  
[jvilos@hollandhart.com](mailto:jvilos@hollandhart.com)

Eli J. Richardson (*admitted pro hac vice*)  
BASS, BERRY & SIMS PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
Telephone: (615) 742-7825  
Facsimile: (615) 742-0416  
[richardsonej@bassberry.com](mailto:richardsonej@bassberry.com)

ATTORNEYS FOR CROSS-PLAINTIFF  
HEALTHTECH MANAGEMENT SERVICES, INC.

/s/ Tracy J. Copenhaver

Tracy J. Copenhaver (Wyo. Bar # 5-2063)  
COPENHAVER, KATH, KITCHEN & KOLPITCKE,  
LLC  
P.O. Box 839  
Powell, WY 82435  
Telephone: (307) 754-2276  
Facsimile: (307) 754-4744  
[tracy@ckattorneys.net](mailto:tracy@ckattorneys.net)

ATTORNEYS FOR PLAINTIFF POWELL VALLEY  
HEALTH CARE, INC.

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2013, I served a true and correct copy of the foregoing by CM/ECF addressed to the following:

Robert W. Horn  
ROBERT W. HORN, P.C.  
230 East Broadway, Suite 3A  
P.O. Box 4199  
Jackson Hole, WY 83001  
rhornatty@me.com

Robert W. York  
ROBERT W. YORK & ASSOCIATES  
7212 North Shadeland Avenue, Suite 150  
Indianapolis, IN 46250  
rwyork@york-law.com

Michael Reese  
MICHAEL REESE, LLC  
The Colony Building  
211 West 19th Street, Suite 400  
Cheyenne, WY 82001  
[mike@mhrwylaw.com](mailto:mike@mhrwylaw.com)

/s/ Bradley T. Cave

5862729\_1